

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of 360networks (USA) inc. for authority to construct facilities within the State of California required to provide InterLATA and IntraLATA Telecommunications Services.

Application 00-10-026
(Filed October 17, 2000)

OPINION GRANTING REQUEST TO DISMISS PROCEEDING

This proceeding was initiated by 360networks (USA)inc. (applicant), the successor to Pacific Fiber Link, L.L.C. Applicant sought environmental review and authority to install a fiber optic conduit cable project between Sacramento and Los Angeles.

Applicant filed for bankruptcy on June 28, 2001, both in Canada, where it is headquartered, and in the United States Bankruptcy Court for the Southern District of New York. Commission records show that the company at that time owed the Commission approximately \$400,000 in pre-petition debt and approximately \$94,000 in post-petition debt, primarily for the work of environmental consultants.

A prehearing conference (PHC) to inquire into the fitness of 360networks to serve as a nondominant interexchange carrier was conducted on November 9, 2001. At that time, applicant requested a six-month extension to deal, among other things, with its payment of post-petition debt to the Commission. The six-month extension was granted.

On April 24, 2002, counsel for applicant moved to withdraw Application (A.) 00-10-026 and have the proceeding dismissed. A third PHC was conducted on May 17, 2002. The administrative law judge was advised by Commission staff that applicant was current in its payment of post-petition debt.

There has been no objection to applicant's request to withdraw A.00-10-026. Accordingly, for good cause shown, this decision grants the application for withdrawal of A.00-10-026.

This is an uncontested matter in which the decision grants the relief requested. Pursuant to Section 311(g)(2) of the Public Utilities Code, the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Applicant filed A.00-10-026 to permit it to construct a fiber optic cable project between Sacramento and Los Angeles.
2. After filing the application, applicant filed for bankruptcy.
3. Applicant states that it no longer seeks authority to construct the fiber optic cable project.
4. Applicant has moved for the withdrawal and dismissal of A.00-10-026.

Conclusion of Law

The motion to withdraw A.00-10-026 should be granted, and A.00-10-026 should be dismissed.

O R D E R

IT IS ORDERED that:

1. The petition to withdraw Application (A.) 00-10-026 is granted.
2. A.00-10-026 is dismissed. This case is closed.

This order is effective today.

Dated _____, at San Francisco, California.